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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,557	07/17/2003	Michael Andrew Fischer	680-071US	1331
22897 7590 05/24/2007 DEMONT & BREYER, LLC 100 COMMONS WAY HOLMDEL, NJ 07733			EXAMINER MOORE, IAN N	
			ART UNIT 2616	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/621,557	<b>Applicant(s)</b> FISCHER ET AL.	
	<b>Examiner</b> Ian N. Moore	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Priority*

1. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed application, Application No. **60/396,691**, fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. In this case, claims 1,3,6,8,11,13,16 and 18 recite the limitations regards to **a third and fourth frames transmissions and processing**. However, prior-filed application, Application No. 60/396,691 fails to support above mentioned claimed invention.

In particular, applicant's "description of invention section" discloses utilizing of global-unique MAC address according to standard IEEE 802.11 protocol, "A) basic address generation" section discloses transmission of IEE-802 MAC address (i.e. corresponding to creation of first frame per claims), "B) address regeneration" section discloses generation new address causing excessive overhead, "C) address disambiguation for infrastructure networks" discloses associating MAC and AID according to various IEEE 802.11 standards (i.e. corresponding to

creation of second frame per claims), and “D)address disambiguation for independent networks and direct communication” discloses changing transmission of MAC addresses if required, distinguishing utilizing random value, creating a new MAC address, and transmission of new addressed (i.e. corresponding to transmission of first and second frames per claims). Moreover, prior-filed application, Application No. 60/396,691 also fails described or show any apparatus (i.e. transmitters with specific claimed functions and a receivers with specific claimed functions).

### *Specification*

2. The abstract of the disclosure is objected to because it contains the phrase, “invention” in lines 4 and 6, which can be implied. Applicant is reminded of the proper language and format for an abstract of the disclosure. Correction is required. See MPEP § 608.01(b).

It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### *Claim Objections*

3. Claims 1,6,11 and 16 are objected to because of the following informalities:

**Claim 1** recites "**the** medium access control address" in line 2. There is insufficient antecedent basis for this limitation in the claim.

**Claims 6, 11 and 16** are also objected for the same reason as set forth above in claim 1.

**Claim 16** recites, “**an** apparatus” in line 1 and “**a** station” in line 3. For clarity, it is suggested to differentiate between them since both “an apparatus” and “a station” are the same entity in light of the specification.

**Claim 6** recites, “receiving **from at**” in line 4. For clarity, it is suggested to remove “from” since a receiver is in said station.

**Claim 16** is also objected for the same reason as set forth above in claim 6.

Appropriate corrections are required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3,5-8,10-13,15-18, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Donaghey (US006804232B1).

**Regarding Claims 1 and 11**, Donaghey discloses an apparatus (see FIG. 1,2, Hub 110) processing a method (see FIG. 11, method) comprising:

(1) a receiver (see FIG. 2, a receiving means in a RF transceiver 230; see col. 4, line 40-15) for:

(i) receiving a first frame (see FIG. 11, S1120-1130, receiving/listening attached request frame) from a station (see FIG. 1, Personal Electronic Device (PEA) 120) in a local area network (see FIG. 1, in a local network 100; see col. 3, line 17-45), wherein said first frame uses a first address as the medium access control address for said station in said local area network (see FIG. 1,6, request frame uses a MAC/AMAC 610 as medium access control address of a PEA in local

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network 100; see col. 3, line 60-35, 60 to col. 4, line 5; see col. 6, line 50-65; see col. 7, line 60 to col. 8, line 5; see col. 11, line 45-55), and

(ii) receiving a third frame (see FIG. 11, S1150, receiving/listening attach confirmation message) from said station via said local area network (see col. 11, line 58-65; receiving/listening attached confirmation message from a PEA 120 in local network), wherein said third frame uses a second address (see FIG. 6, 11, a new assigned address is created based on combined address/tag of a MAC/AMAC 610 and stream no. 620), rather than said first address (see FIG. 11, a new assigned address is not the same as MAC/AMAC 610), as the medium access control address for said station in said local area network (see col. 11, line 59-65; a new address is assigned as a new MAC address for PEA 120);

(2) a processor (see FIG. 2, digital control logic (DCL) 220; see FIG. 4, DCL 460) for assigning an association identifier to said station (see col. 4, line 10-42; col. 6, line 50-65; DCL places/assigns stream number 620 to PEA 120); and

(3) a transmitter (see FIG. 2, a transmitting means in a RF transceiver 230; see col. 4, line 40-15) for:

(i) transmitting a second frame (see FIG. 11, S1140, sending an attached assign message) to said station via said local area network (see FIG. 1, to PEA 120 via local network 100; see col. 11, line 59-65), wherein said second frame comprises said association identifier (see FIG. 6, stream no. 620; see col. 6, line 50-65) and uses said first address as the medium access control address for said station in said local area network (see FIG. 11, S1140, assign message includes stream no. and MAC/AMAC 610 of PEA 120 as a new assigned address in a local network; see col. 11, line 55-65);

wherein said second address (see FIG. 6, 11, a new assigned address is created based on combined address/tag of a MAC/AMAC 610 and stream no. 620) is a combination of (1) a portion of said first address (see FIG. 6, AMAC 610) and (2) at least a portion of said association identifier (see FIG. 6, stream no. 620; see col. 10, line 50-65; see col. 11, line 30-65; a new assigned address is created based on combined address/tag of a portion/share/piece of MAC/AMAC 610 and a portion/share/piece of stream no. 620).

**Regarding Claim 6 and 16**, Donaghey discloses an apparatus (see FIG. 1,3, Personal Electronic Device (PEA) 120) processing a method (see FIG. 11, method) comprising:

(1) a transmitter (see FIG. 3, a transmitting means in a RF transceiver 330; see col. 4, line 45-52) for:

(i) transmitting a first frame (see FIG. 11, S1120-1130, see FIG. 12, S1230, sending attached request frame) from a station (see FIG. 1, from Personal Electronic Device (PEA) 120) in a local area network (see FIG. 1, in a local network 100; see col. 3, line 17-45), wherein said first frame uses a first address as the medium access control address for said station in said local area network (see FIG. 1,6, request frame uses a MAC/AMAC 610 as medium access control address of a PEA in local network 100; see col. 3, line 60-35,60 to col. 4, line 5; see col. 6, line 50-65; see col. 7, line 60 to col. 8, line 5; see col. 11, line 45-55; see col. 12, line 20-26), and

(ii) transmitting a third frame (see FIG. 11, S1150, see FIG. 12, S1250, attach confirmation message) from said station via said local area network (see col. 11, line 58-65; see col. 12, line 30-35; sending attached confirmation message from a PEA 120 in local network), wherein said third frame uses a second address (see FIG. 6, 11, a new assigned address is created based on combined address/tag of a MAC/AMAC 610 and stream no. 620), rather than said first

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address (see FIG. 11, a new assigned address is not the same as MAC/AMAC 610), as the medium access control address for said station in said local area network (see col. 11, line 59-65; a new address is assigned as a new MAC address for PEA 120); and

(2) a receiver (see FIG. 3, a receiving means in a RF transceiver 330; see col. 4, line 45-52) for:

(i) receiving a second frame (see FIG. 11, S1140, see FIG. 12, S1240; receiving an attached assign message) from at said station via said local area network (see FIG. 1, at PEA 120 via local network 100; see col. 11, line 59-65; see col. 12, line 25-30), wherein said second frame comprises an association identifier (see FIG. 6, stream no. 620; see col. 6, line 50-65) and uses said first address as the medium control access address for said station in said local area network (see FIG. 11, S1140, assign message includes stream no. and MAC/AMAC 610 of PEA 120 as a new assigned address in a local network; see col. 11, line 55-65);

wherein said second address (see FIG. 6, 11, a new assigned address is created based on combined address/tag of a MAC/AMAC 610 and stream no. 620) is a combination of (1) a portion of said first address (see FIG. 6, AMAC 610) and (2) at least a portion of said association identifier (see FIG. 6, stream no. 620; see col. 10, line 50-65; see col. 11, line 30-65; a new assigned address is created based on combined address/tag of a portion/share/piece of MAC/AMAC 610 and a portion/share/piece of stream no. 620).

**Regarding Claims 2,7, 12 and 17**, Donaghey discloses said association identifier is unique among the stations that are currently active in said local area network (see FIG. 7A-B, separate/specific/unique steam number is assigned for each active PEA in local network; see col. 7, line 4 to col. 8, line 4).



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**Regarding Claims 3 and 13**, Donaghey discloses transmitting a fourth frame (see FIG. 11, S1160, see FIG. 12, S1260; sending attached confirmation acknowledgment message from a hub) to said station via said local area network (see col. 11, line 65 to col. 12, line 5; to PEA 120 via a local network), wherein said fourth frame uses said second address as the medium access control address for said station in said local area network (see col. 11, line 65 to col. 12, line 5,35-40; confirmation acknowledgment message uses a new address as a new MAC address for PEA 120 in local area network).

**Regarding Claims 8 and 18**, Donaghey discloses receiving a fourth frame (see FIG. 11, S1160, see FIG. 12, S1260; receiving attached confirmation acknowledgment message at PEA) at said station via said local area network (see col. 11, line 65 to col. 12, line 5; at PEA 120 via a local network), wherein said fourth frame uses said second address as the medium access control address for said station in said local area network (see col. 11, line 65 to col. 12, line 5,35-40; confirmation acknowledgment message uses a new address as a new MAC address for PEA 120 in local area network).

**Regarding 5,10, 15 and 20**, Donaghey discloses wherein said first address is 48 bits in length (see FIG. 1,6, a MAC 610 as medium access control address of a PEA in local network 100; see col. 3, line 60-35,60 to col. 4, line 5; see col. 6, line 50-65; see col. 7, line 60 to col. 8, line 5; see col. 11, line 45-55; note that it clear that, MAC address must have 48 bits in length; see cited Newton's telecom dictionary per IEE 802 standard, page 411).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4,9,14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donaghey in view of Cannon (US006067444A)

**Regarding Claims 4,9,14 and 19**, Donaghey discloses association identifier has a length as set forth above in claims 1,6,11 and 15.

Donaghey does not explicitly disclose 11 bits. However, Cannon teaches association identifier has 11 bits in length (see FIG. 6, Frame/stream information (FI) word has 11 bits; see col. 11, line 16-21). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide 11 bits length, as taught by Cannon in the system of Donaghey, so that it would provide 11 bits wide/worth frame and cycle numbers; see Cannon col. 11, line 20-25.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian N. Moore whose telephone number is 571-272-3085. The examiner can normally be reached on 9:00 AM- 6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 571-272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ian N. Moore  
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*INM*

5/19/07

*Doris To*

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